

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CONRAD BROWN,

Plaintiff,

-against-

HERITAGE PACIFIC FINANCIAL,

IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 1 - 2011 ★

Civil Action No.:

**CV 11 -**

**5311**

**COMPLAINT**

**WEINSTEIN, J.**

BROOKLYN OFFICE DEMAND FOR JURY TRIAL  
Defendant(s).

**GOLD, M.J.**

Plaintiff CONRAD BROWN ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant HERITAGE PACIFIC FINANCIAL hereinafter referred to as "Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, residing at 1109 E. 59<sup>th</sup> St, Brooklyn, NY 11234.

3. HERITAGE PACIFIC FINANCIAL is a Texas corporation with their main office at 2200 K Ave, Plano, TX 75074.

4. HERITAGE PACIFIC FINANCIAL is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff from August 3<sup>rd</sup>, 2011 by calling the Plaintiff on his home phone number, 917.613.1865, and leaving messages.

10. Defendant's message from August 3<sup>rd</sup>, 2011 included a partial call back number (1.877.225.02 ). The Defendant's representative, Josh Hill, did not give any disclosures.

11. The Defendant violated 15 USC §1692 e (11) when the Defendant's representative failed to give the required disclosures that Defendant is a debt collector attempting to collect a debt and any information obtained may be used for that purpose.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

12.. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.

13. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692 e (11).

14. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

15. Plaintiff CONRAD BROWN hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

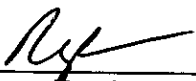
**WHEREFORE**, Plaintiff CONRAD BROWN demands judgment from the Defendants HERITAGE PACIFIC FINANACIAL, as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);

- E. A declaration that the Defendant's practices violated the FDCA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
September 29, 2011

Respectfully submitted,

By:   
M. Harvey Rephen, (MR3384), Esq.  
M. HARVEY REPHEN & ASSOCIATES, P.C.  
708 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 796-0930  
Facsimile: (212) 330-7582

*Attorney for the Plaintiff Conrad Brown*

To: Heritage Pacific Financial  
2200 K Ave  
Plano, TX 75074

*(Via Prescribed Service)*

Clerk,  
United States District Court, Eastern District of New York  
*(For Filing Purposes)*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CASE NO.:

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COMPLAINT

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